

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 01-455-A
)	
ZACARIAS MOUSSAOUI)	
a/k/a "Shaqil,")	
a/k/a "Abu Khalid)	
al Sahrawi,")	
)	
Defendant.)	

ORDER

The defendant, pro se, has filed a motion requesting that the Court direct the Federal Bureau of Investigation ("FBI") to "clear" British lawyer, Sadiq Kahn, to visit him at the Alexandria City Adult Detention Center (Docket #419) contending that Mr. Kahn will pursue various avenues of investigation ignored by standby defense counsel. The United States opposes this motion arguing that the Special Administrative Measures ("SAMs") governing the conditions of Mr. Moussaoui's confinement do not permit him to have unsupervised visits with Mr. Kahn, who is not an attorney of record in this case.

We have already concluded that the SAMs are reasonable and necessary to protect legitimate security interests. Although the SAMs only permit the defendant to receive visits from counsel of record,¹ immediate family members, consular officials and an approved Imam, they do not bar Mr. Kahn from conducting an

¹ "Counsel of record" includes cleared co-counsel and paralegals. SAM (2)(e). Investigators may not meet with the defendant alone. Id.

investigation on behalf of Mr. Moussaoui. SAMS (2),(3), (4)(b)(i) and (6)(c). The defendant may correspond with Mr. Kahn, although such communications will be analyzed by the FBI before being sent to Mr. Kahn or received by Mr. Moussaoui. SAM (4)(c). The SAMS also permit the defendant to speak by telephone with potential experts or fact witnesses, including Mr. Kahn, if the expert or witness has been cleared by the Government and standby defense counsel participate in the telephone call from the witness' location. SAM (2)(h)(ii).

As discussed above, the SAMS do not prohibit Mr. Moussaoui from obtaining Mr. Kahn's assistance; rather they merely impose reasonable conditions on how the defendant may communicate with him. Accordingly, the defendant's pro se Motion to Force This Criminal Government to Give Security Clearance to Sadiq Kahn (Docket #419) is DENIED.

The Clerk is directed to forward copies of this Order to the defendant, pro se; counsel for the United States; standby defense counsel; and the United States Marshal.

Entered this 30th day of October, 2002.

/s/

Leonie M. Brinkema
United States District Judge

Alexandria, Virginia